

**BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES**  
**SPECIAL MEETING – NOVEMBER 7, 2012**

A Special Meeting of the Bal Harbour Village Council was held on Wednesday, November 7, 2012, at the Bal Harbour Village Hall Council Chambers (655 – 96<sup>th</sup> Street, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 9:05 a.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield  
Assistant Mayor Joni D. Blachar  
Councilman Martin Packer  
Councilman Jaime M. Sanz

Absent: Councilwoman Patricia Cohen

Alfred J. Treppeda, Village Manager  
Ellisa L. Horvath, MMC, Village Clerk  
Richard J. Weiss, Village Attorney

As a quorum was determined to be present, the meeting commenced.

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Building Official Dan Nieda.

**3. DISCUSSION OF POTENTIAL INTEREST IN PURCHASING SUN TRUST PROPERTY:** Mr. Weiss reported that at a prior Council meeting he was asked to look into the status regarding the SunTrust property. He explained that the SunTrust property was for sale, but that information was limited since it was being sold privately. He noted that in order to receive more information he needed to sign a confidentiality agreement, which he needed Council approval to do. He reported that there were bids on the property and a lease on the property, which he had been told was a long standing lease with the SunTrust Bank.

Mr. Weiss reviewed the two ways to acquire the property by bidding or through eminent domain. He noted that there were already solid offers, with short closing dates on the property.

Mr. Weiss requested direction on how to proceed. He explained that if the Council was interested in the property, then he would come up with the best strategy for obtaining the property with the Village Manager and Finance Director. He would then come back with a deal, for Council approval. He reported the price to be \$10+ million dollars and was subject to the lease.

***Ruth Karp - 74 Bal Bay Drive***, questioned the purpose of purchasing the property.

***Neil Alter - 9801 Collins Avenue***, discussed the high cost, especially since the Village may have to pay \$4 million to the United States government. He questioned what the

funding source would be and why there was a sudden sense of urgency. He voiced disappointed on the short notice of the meeting and felt that residents should be more aware of the possibility of the acquisition.

Mayor Rosenfield explained that some residents had suggested that the property be purchased for the expansion of Village Hall, or other recreational space.

**Dan Holder - 24 Bal Bay Drive**, spoke against the Village acquiring the property and giving up Village Hall property or other Village property. He discussed the lease and making money from that, to help cover the costs, if the Village did purchase it. He spoke against Village Hall being moved there, but suggested that it may be a good place for the Police Department. He thought that looking at available property was good, but not in lieu of getting rid of Village Hall property.

Mayor Rosenfield clarified that nothing about the Village Hall property had come before Council.

**Anamarie Kelly Stoppa - 77 Camden Drive**, questioned the purpose of purchasing the property and if there was a use for it. She requested further explanation on the eminent domain process and how that would increase the price. She discussed the prior plan to move Village Hall, to the waterfront. She suggested a park on the SunTrust site. She questioned how the Village would best use the property and if the Village could afford it.

**Stanley Whitman, Bal Harbour Shops Developer - 9700 Collins Avenue**, discussed the history of the SunTrust Bank property.

**Dan Nieda - Building Official**, discussed the opportunity and how valuable property was in the Village. He spoke in favor of the Village having the best facilities. He discussed the lack of space at the current Village Hall and the need for services for Village residents, in correlation with the taxes that they paid. He urged the Council to purchase the property.

**Lynne Bloch-Mullen - 10150 Collins Avenue**, didn't see the advantage of the site and spoke against putting a park there, due to the traffic. She thought that any purchase should be for the good of the residents such as for a park and not just to buy property.

**Dina Cellini - 211 Bal Cross Drive**, spoke in favor of pursuing the purchase of the property and didn't see the need to decide what to do with the property now. She pointed out that there wasn't any other land available, unless the Village went through the eminent domain process on a multi-family residential property on the west side. She also noted that the property was the gateway to the community, which she would rather see in the hands of the Village, in lieu of a private property owner that might create something that would be disadvantageous to the Village.

**David Kwiat - 10185 Collins Avenue**, spoke in favor of purchasing the property, with a use to be determined in the future. He spoke against selling any current Village property. He thought the deal could be done without spending any extra money, since the Village's tax base would be increased with the St. Regis and Club properties.

Mr. Treppeda clarified that the comments provided by Mr. Nieda were his own and should not be considered as staff's recommendation.

Councilman Packer spoke in favor of purchasing the property and urged the Council to give

Mr. Weiss approval to proceed in a negotiation to acquire the property. He discussed the need for a Police Department with easy access, more park space, and a new Village Hall. He would request direction from the Finance Director to borrow money, if necessary.

Councilman Sanz was hesitant about jumping in too fast. He wasn't against investigating more, but thought that the residents should vote on it. He pointed out that the Village already had a \$10 million bond for the sewer project. He discussed park space in the Gated Area.

Assistant Mayor Blachar agreed with Councilman Packer that it was a great opportunity to purchase land for the benefit of the residents. She pointed out that there wasn't any other property around the Village available for purchase. She clarified that nobody was giving away Village Hall property and nothing had been presented to the Council about selling the Village Hall property. She discussed the possibility of someone else purchasing the SunTrust Bank property and the residents not liking what was placed there. Assistant Mayor Blachar reported that the item was brought up by Councilman Packer at the October 16<sup>th</sup> Council meeting. She spoke in favor of acquiring the property and approving Mr. Weiss to work with Mr. Treppeda on moving forward.

**Dan Holder – 24 Bal Bay Drive**, noted that Mr. Whitman had made a presentation to the community for a proposal to move Village Hall to the waterfront and for the Bal Harbour Shops to build on the Village Hall and Church properties. Assistant Mayor Blachar clarified that was just a presentation and nothing had been before the Council for a vote to sell the property. Mr. Holder agreed.

Mayor Rosenfield voiced concerns regarding pedestrian use for the property, since it had traffic on both sides of it. She was not against investigating cost, but was not willing to approve any amount to buy the property, without more information. She discussed the eminent domain process, which was lengthy. She spoke in favor of an investigative search, without making any commitment, and a survey of the residents.

Mr. Weiss explained that the property was being aggressively pursued. He added that a bid (in excess of \$10 million) and deposit had been made, with a short closing date. He clarified that if the Village took some time to investigate, then the property would be sold. He continued that somebody might flip the property to the Village, at a higher price, but the proposed buyer probably had some intended use for the property. Mr. Weiss explained that would leave the Village with the eminent domain option, which would cost more, since the Village would have to pay for attorney fees (for both sides), appraisals, etc. He reviewed the eminent domain process, which the Village had the ability to do at any time. He clarified that if the Village wanted to purchase the property, then the Council needed to authorize him to put in a bid (over \$10 million), subject to Council approval.

Councilman Packer reviewed a memo (Financing Costs for Property Acquisition) prepared by Finance Director Chris Wallace and discussed the small amount that would be added to the taxes, to purchase the property. He discussed the importance of purchasing the property.

Mayor Rosenfield questioned if the property was being sold with the bank lease on the property. Councilman Packer and Mr. Weiss confirmed that it was. Mayor Rosenfield questioned if the Village would have to deal with the lease. Mr. Weiss advised that it would. Councilman Packer thought that the lease was up to negotiation.

**Chris Wallace, Finance Director**, reviewed his memo outlining different ways to finance the purchase.

**Dr. Michael Krop - 9601 Collins Avenue**, spoke in favor of deciding the potential use of the property. He thought that the Village should consider what could be put on the property, with or without the Council's input, if someone else purchased the property. He thought that should be a factor in considering whether or not to purchase the property.

Mr. Weiss clarified that the property was being purchased with the tenant paying a 20-year lease, which would provide income.

Dr. Krop questioned if tourism funds could be used to purchase the site, instead of taxpayer money. Mayor Rosenfield noted that legal advice would need to be received on that.

**Doug Rudolph - 212 Bal Bay Drive**, questioned what the current zoning allowed on the property.

**Dan Nieda, Building Official**, reported that the current building was the largest that could be built on the property (approximately 10,000 square feet).

Mr. Rudolph pointed out that the property was encumbered by a long term lease, by a tenant that didn't have any interest in leaving. He discussed the cost attached to a lease hold.

Mr. Weiss thought that the value of the property was a reflection of the lease. He explained that if the Village went through the eminent domain process then it would join the bank. He explained there would be an apportionment of the amount paid between the bank and whoever owned the property.

Mr. Rudolph spoke in favor of it.

**Dina Cellini - 211 Bal Cross Drive**, pointed out that the property hadn't been limited in the proposed site plan and use ordinances. She urged the Council to protect the Village, by reviewing the Use Ordinance, for that property, on second reading. She questioned if the zoning could be changed in the future, if the Village owned the property and wanted a taller building with three stories.

Mr. Nieda explained that the property was zoned B Business, but that the Village could change that. Mr. Weiss explained that the Comprehensive Plan would have to be reviewed. Mr. Treppeda clarified that it could be rezoned, by changing the Comprehensive Plan. Councilman Sanz noted that if the Village didn't own the property then the new owner would have to come before the Council, to change the zoning. Mr. Nieda agreed.

**A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar for the Village Manager and Village Attorney to proceed to negotiate, to acquire the piece of property. The motion carried (4-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes; and Councilwoman Cohen absent.**

Councilman Packer spoke on the importance of the property.

Mayor Rosenfield clarified that Mr. Weiss and Mr. Treppeda would report back to the Council.

Councilman Sanz spoke against spending the residents' money, without their input, and requested that the residents be notified what was happening.

Mayor Rosenfield requested Mr. Treppeda and Mr. Smith to provide information regarding the Village's interest in the property in the Village newsletter and on the Information Channel.

Councilman Packer clarified that the Council was elected by the residents. He spoke against setting precedence for items to go before the residents, since the Council must be able to function. He added that notice of the meeting would go out to the residents.

**Neil Alter - 9801 Collins Avenue**, spoke in favor of providing information on the item in a newsletter. He suggested an official communication from the Council to the residents, since the email list was not the most effective way to do that.

**4. ADJOURN:** There being no further business, a *motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to adjourn the meeting. The motion carried (4-0) and the meeting was adjourned at 10:18 a.m.*

Attest:



Ellisa L. Horvath, MMC, Village Clerk



Mayor Jean Rosenfield